

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMY VELEZ, et al.,

Individually and on Behalf of Others Similarly
Situating,

Plaintiffs,

Case No. 04 Civ. 09194 (CM)

-against-

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

NOVARTIS PHARMACEUTICALS CORPORATION'S NOTICE OF MOTION *IN*
LIMINE TO BAR CERTAIN PLAINTIFF EXPERT TESTIMONY

Defendant, Novartis Pharmaceuticals Corporation ("NPC"), by its attorneys, moves for an order *in limine* barring Plaintiffs' expert witnesses Deborah Rhode, James Outtz and David Martin from testifying that NPC's performance evaluation, pay and promotion policies and practices caused, are likely to cause, foster or result in sex discrimination against NPC's female sales representatives during the class period for the reasons set forth in NPC's supporting Memorandum and Appendix.

In addition, NPC moves to exclude any testimony by Plaintiffs' expert Louis Lanier that (1) NPC's performance evaluation and promotion policies or practices caused the observed pattern of female representation in the higher level sales representative ranks and (2) that his reported difference between male and female sales representatives in the probability of receiving a "3" performance rating in the "values and behaviors" portion of the annual performance

evaluation had any effect on the pay or promotions received by male and female sales representatives for the reasons set forth in NPC's supporting Memorandum and Appendix.

WHEREFORE, NPC respectfully requests that this Court enter an Order: (a) barring Plaintiffs' expert witnesses Deborah Rhode, James Outtz and David Martin from testifying that NPC's performance evaluation, pay and promotion policies and practices caused, are likely to cause, foster or result in sex discrimination against NPC's female sales representatives during the class period; and (b) excluding any testimony by Plaintiffs' expert Louis Lanier that NPC's performance evaluation and promotion policies or practices caused the observed pattern of female representation in the higher level sales representative ranks and that his reported difference between male and female sales representatives in the probability of receiving a "3" performance rating in the "values and behaviors" portion of the annual performance evaluation had any effect on the pay or promotions received by male and female sales representatives.

Dated: Chicago, Illinois.
January 29, 2010

Respectfully submitted,

By: /s/ Richard H. Schnadig

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NOVARTIS PHARMACEUTICALS
CORPORATION

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true and correct copy of the foregoing NOVARTIS PHARMACEUTICALS CORPORATION'S MOTION *IN LIMINE* TO BAR CERTAIN PLAINTIFF EXPERT TESTIMONY was filed electronically and served on the following by depositing same in the United States mail, with proper first-class postage prepaid, on January 29, 2010:

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